



PATENT  
Attorney Docket No.: DIVER1280

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short and Keller Art Unit: 1652  
Application No.: 08/876,276 Examiner: D. Steadman  
Filed: June 16, 1997  
Title: HIGH THROUGHPUT FLUORESCENCE-BASED SCREENING FOR NOVEL ENZYMES (As Amended)

RECEIVED  
OCT 11 2002  
31

Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER

TECH CENTER 1600/2900

Sir:

The undersigned, attorney of record for Petitioner, DIVERSA CORPORATION, with its place of business at 4955 Directors Place San Diego, CA 92121 (formerly, 10665 Sorrento Valley Road, San Diego, California 92121), represents that Petitioner is the Assignee of all interest in Application No. 08/876,276, filed June 16, 1997, entitled HIGH THROUGHPUT FLUORESCENCE-BASED SCREENING FOR NOVEL ENZYMES (As Amended) as evidenced by the Assignment recorded in the United States Patent and Trademark Office on December 17, 1999, at Reel 010476, Frame 0273.

10/10/2002 GGEBREGI 00000097 08876276  
02 FC:248

55.00 OP

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on October 2, 2002, in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231

Karen LePari

Karen LePari

In re Application of:  
Short and Martin  
Application No.: 08/876,276  
Filed: June 16, 1997  
Page 2

PATENT  
Attorney Docket No.: DIVER1280

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA, disclaims the terminal part of any patent granted on the above-identified Application No. 08/876,276 which would extend beyond the expiration date of U.S. Patent No. 6,174,673. Petitioner hereby agrees that any patent so granted on the above-identified application, No. 08/876,276, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,174,673, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Enclosed is a check in the amount of \$55.00 to cover the Terminal Disclaimer fee. The Commissioner is authorized to charge any other fees or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

  
Lisa A. Haile  
Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: (619) 677-1456  
Facsimile: (619) 677-1465

Date: October 2, 2002

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213

Gray Cary\GT\6306688.1  
104703-156676